Datatreasury Corporation v. Wells Fargo & Company et al Doc. 649 Att. 4

EXHIBIT 2 to DEFENDANT UNIONBANCAL CORPORATION'S MOTION FOR CLARIFICATION OR FOR A PROTECTIVE ORDER REGARDING DISCOVERY ORDER (D.E. NO. 597) AND ENLARGEMENT OF TIME

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Cause No.: 2:06-CV-72 DF
DataTreasury Corporation
v.
Wells Fargo & Company, et al.

Transcript of the Testimony of
David Anderson

February 7, 2007

By: Lisa Gretarsson, CSR

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,)(
)(
Plaintiff,)(
)(
VS)(CIVIL ACTION NO.
)(2:06-CV-72 (DF)
WELLS FARGO & COMPANY,)(
et al.,)(
)(
Defendants.)(

VIDEOTAPED ORAL DEPOSITION OF DAVID ANDERSON

FEBRUARY 7, 2007

VIDEOTAPED ORAL DEPOSITION OF DAVID ANDERSON, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and above-numbered cause on the 7th day of February, 2007, from 9:21 a.m. to 4:27 p.m., before Lisa J. Gretarsson, CSR in and for the state of Texas, reported by machine shorthand, at the offices of Pillsbury, Winthrop, Shaw, Pittman, LLP, 50 Fremont, Suite 400, located in the city of San Francisco, state of California, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record.

Q. (BY MR. KING) I'll wait for your counsel to track it down before I start asking you questions about it. 12:45

MR. SWEIGART: Okay. I'm on 8. 12:45

MR. KING: Fantastic. 12:45

MR. SWEIGART: Thank you. 12:45

MR. KING: No problem. And if I jump ahead and you guys have any problems finding it, just let me know and stop me before I get -- before I go into it. 12:45

Q. (BY MR. KING) Have you had a chance to read that paragraph on the public policy committee? 12:45

A. Yes, I did. 12:45

Q. Okay. And it states in there that the public policy committee is a joint committee of UnionBanCal and Union Bank of California, correct? 12:45

A. Uh-huh (affirmative). 12:45

Q. Does that refresh your recollection in any way as to whether or not Union Bank of California has a public policy committee at the appointment of its board of directors? 12:45

A. Yes, it does. 12:45

Q. Okay. And do you -- would you agree that the public policy committee is a committee that's appointed by the board of directors of Union Bank of California? 12:46

A. I'm not sure that that says that. 12:46
Q. Is it your understanding, in your role as an employee of Union Bank of California, whether or not the board of directors appoints a public policy committee? 12:46 12:46 12:46
A. That's just conjecture on my part as to who would actually appoint it. It is a joint committee of the two companies. 12:46 12:46 12:46
Q. And who are the -- who are the directors that serve on the public policy committee as of December 31, 2005? 12:46 12:46 12:46
A. They're listed here, that you're showing me. 12:46
Q. Okay. Can you name those, please? 12:46
A. Sure. Mary Metz, Aida Alvarez, J. Fernando Niebla, Carl Robertson and Dean Yoost. 12:46 12:47
Q. Now, other than Mr. Robertson, all of those are also directors of both UnionBanCal Corporation and Union Bank of California, correct? 12:47 12:47 12:47
A. That's correct. 12:47
Q. And Mr. Robertson is only a director of Union Bank of California, correct? 12:47 12:47
A. Yes, he is. 12:47
Q. Okay. Given that this is a joint committee between UnionBanCal and Union Bank of California, I'll go back to a question I posed earlier. In your position as both an officer of UnionBanCal Corporation and an 12:47 12:47 12:47 12:47

Q. (BY MR. KING) Okay. 12:52
A. So it's discussed within it. 12:52
Q. Okay. Do you see the executive compensation and benefits committee? 12:52 12:52
A. I do. 12:52
Q. Okay. Is that a -- 12:52
MR. KING: I'm sorry. It's at the -- it's still on page 8. I believe it's at the top of that page. 12:52 12:52 12:52
MR. SWEIGART: Okay. Got it. 12:52
Q. (BY MR. KING) Is the executive compensation and benefits committee, as described here, a committee of UnionBanCal Corporation? 12:52 12:52 12:52
A. You know, it does not, that I can see, identify it as which one. It is whether it's combined or separate. That's one of the reasons why earlier in our conversation I wasn't -- I wasn't sure. 12:52 12:53 12:53 12:53
Q. So you don't know if this is a committee -- well, does -- 12:53 12:53
A. It absolutely is a committee of UnionBanCal Corporation. 12:53 12:53
Q. You just don't know whether or not it's also a committee of Union Bank of California. 12:53 12:53
A. I believe it is, although I'm not sure. 12:53
Q. Okay. Who makes up the executive compensation 12:53

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I further certify that I am neither attorney nor counsel for nor related to or employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof, I have hereunto set my hand and affixed my seal this _____ day of ______________, 2007.

RealLegal Notary for E-Transcript

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